

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO.: 9:22-CV-80285-AMC

TARA DUNCAN,

Plaintiff,

vs.

NCS PEARSON, INC.,
BAYO ADENIYI, and
DEPENDABLE TESTING CENTER,

Defendants.

PLAINTIFF'S MOTION AND AFFIDAVIT FOR ENTRY OF DEFAULT

Pursuant to this Court's Order on Default Final Judgment Procedure [ECF No. 70], Plaintiff Tara Duncan respectfully submits this notice of joint liability as to Defendants NCS PEARSON, INC., and the default defendants BAYO ADENIYI, and DEPENDABLE TESTING CENTER.

1. On October 14, 2022 Plaintiff filed its Third Amended Complaint [ECF No. 37] against Defendants.
2. Plaintiff alleges that Defendant NCS Pearson Inc., and the Default Defendants are jointly and severally liable for damages to Plaintiff pursuant to counts IV and V of the complaint. [ECF No. 37 at 56-61].
3. The complaint alleges that at all times material to the complaint, Defendant Adeniyi was operating as an agent of both Defendant Pearson and Defendant Dependable

Testing, and that all conduct performed by Adeniyi was in the scope of his employment/agency with Pearson.

4. The complaint alleges that Defendant Dependable testing was acting as an agent for Defendant Pearson at all times material to the complaint, and that all of Defendant Dependable testing's conduct was in the scope of its employment/agency for Defendant Pearson.
5. The complaint alleges that because of the agent/principal relationships described within the complaint, Pearson is liable for the conduct of Defendants Dependable Testing and Adeniyi.
6. The complaint alleges that because of the agent/principal relationships described in the complaint, Defendant Dependable Testing is liable for the conduct of Defendant Adeniyi.
7. The Default Defendants failed to answer the complaint, and a Clerk's Default was entered against them [ECF no. 68, 69]
8. Defendant Pearson is not in Default on this matter.
9. To date, liability has yet to be resolved as to the multiple Defendants.
10. As Defendant Pearson and the Default Defendants are jointly and severally liable for the conduct alleged within the complaint, their liability must be resolved prior to Plaintiff's movement for entry of default final judgment.

Dated: May 10, 2023

Respectfully submitted,

KATRANIS, WALD & GARNER, PLLC

501 E Las Olas Boulevard, Suite 200/300

Fort Lauderdale, Florida 33301

Tel.: (754) 231-8107

Emails: jjacob@kwglegal.com
jordan@kwglegal.com
stefano@kwglegal.com

By: /s/ Stefano Mittone

Stefano Mittone

Florida Bar No.: 118344

Jordan Sacks

Florida Bar No.: 122521